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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,513	04/21/2000	Hiroshi Yamaguchi	Q58728	7126

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EXAMINER	
ROGERS, SCOTT A	
ART UNIT	**PAPER NUMBER**
2626	6

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/556,513	YAMAGUCHI, HIROSHI	
	Examiner	Art Unit	
	Scott A Rogers	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *5-6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

Applicant's election without traverse of Group I (claims 1-6) in Paper No. 5 is acknowledged. Non-elected claims 7-8 have been canceled according to Applicant's instructions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinjo et al (US 6,219,129).

Referring to claim 1:

Kinjo et al disclose an image processing apparatus comprising:

an image processing unit for performing image processing on an input image to produce an output image (col. 5, lines 43-47);

a storing unit for respectively storing image-related information relating to at least one image processed by said image processing-unit (col. 9, lines 55-59);

a search unit for searching said storing unit in response to an instruction to reprocessing said input image and reading said image-related information previously stored in said storing unit (col. 23, lines 38-45); and

a display unit for representing a result of a search performed by said search unit (col. 23, lines 54-56),

wherein said image processing unit performs reprocessing of said input image in accordance with the image-related information that said search unit read in response to the instruction for reprocessing said input image (col. 23, lines 46-50).

Referring to claim 2:

Kinjo et al disclose that the reprocessing of said input image includes reprinting of the input image from a photographic film or the input image taken with a digital camera which has been previously printed (col. 2, lines 12-19).

Referring to claim 3:

Kinjo et al disclose that said image-related information includes search information (identifying information) for specifying said input image and contents of said image processing performed by said image processing unit (col. 23, lines 38-45).

Referring to claim 4:

Kinjo et al disclose that said image-related information includes an image representing said input image as the search information for specifying said input image, the result of the search represented on said display unit is the image representing said input image, and said display unit represents the result of the search together with the

output image obtained by reprocessing said input image (col. 5, lines 58-61, col. 18, lines 21-34, and col. 23, lines 54-56).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,639,690 in view of Kinjo et al (US 6,219,129).

Referring to claim 1:

Patent claims 1-21 of U.S. Patent No. 6,639,690 disclose an apparatus (system) with claim limitations which read on:

an image processing unit for performing image processing on an input image to produce an output image (col. 21, lines 3-4);

a storing unit for respectively storing image-related information relating to at least one image processed by said image processing-unit (col. 21, lines 11-15); and

a search unit (retrieval means) for searching said storing unit in response to an instruction to reprocessing said input image and reading said image-related information previously stored in said storing unit (col. 21, lines 16-20),

wherein said image processing unit performs reprocessing of said input image in accordance with the image-related information that said search unit read in response to the instruction for reprocessing said input image (col. 21, lines 26-33).

While patent claims 1-21 do not recite a display unit for representing a result of a search performed by said search unit, such a feature is taught by Kinjo et al (col. 23, lines 54-56).

It would have been obvious to one of ordinary skill in the art to have modified the patent claims to have included a display feature as taught in Kinjo et al in order to produce re-prints of an image with the operator being able to, prior to producing the re-print, verify the re-print image and the result of processing performed on the image, as well as allowing the operator to optionally adjust color/density, gradation, and other characteristic features, as well as compositing and partial modifications of the image col. 18, lines 21-34).

Referring to claim 2:

While patent claims 1-21 do not recite that the reprocessing of said input image includes reprinting of the input image from a photographic film or the input image taken with a digital camera which has been previously printed, such a feature is disclose by Kinjo et al (col. 2, lines 12-19).

It would have been obvious to one of ordinary skill in the art to have modified the patent claims to have included a display feature as taught in Kinjo et al in order to allow processing / re-processing and printing/ re-printing of images captured by common and widely used photographic devices.

Referring to claim 3:

Patent claims 1-21 discloses that said image-related information includes search information (retrieval information) for specifying said input image and contents of said image processing performed by said image processing unit (col. 21, lines 11-15).

Referring to claim 4:

While patent claims 1-21 do not recite that said image-related information includes an image representing said input image as the search information for specifying said input image, the result of the search represented on said display unit is the image representing said input image, and said display unit represents the result of the search together with the output image obtained by reprocessing said input image, such a feature is taught by Kinjo et al disclose (col. 5, lines 58-61, col. 18, lines 21-34, and col. 23, lines 54-56).

It would have been obvious to one of ordinary skill in the art to have modified the patent claims to have included this additional display capability as taught in Kinjo et al in order to produce re-prints of an image with the operator being even better enabled, prior to producing the re-print, verify the re-print image and the result of processing performed on the image, as well as allowing the operator to optionally adjust

color/density, gradation, and other characteristic features, as well as compositing and partial modifications of the image col. 18, lines 21-34).

Allowable Subject Matter

Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to claim 5:

Kinjo et al does not disclose, nor does the prior art searched and of record suggest, an instruction unit for instructing that the result of the search performed by said search unit is proper or improper, wherein, when said instruction unit instructs that the result of the search is proper, said image processing unit performs said image processing using the image-related information read by said search unit, whereas, when said instruction unit instructs that the result of the search is improper, said image processing unit performs. said image processing using the input image obtained in said reprocessing.

Referring to claim 6:

Kinjo et al does not disclose, nor does the prior art searched and of record suggest, said display unit representing a plurality of candidate images as the result of the search performed by said search unit and wherein said instruction unit can select one of said plurality of candidate images.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akira et al (US 5715036) disclose a technique to ensure that the quality of extra prints is equal to that of the primary prints. When all the frames of a negative film are subjected to a data reading operation of the data reading means 2 in a first stage, the print condition determining operation of a second stage is performed with data of all the frames and, thus, a higher level of a print condition for extra prints or reprints, equivalent to that of the primary or original prints, is achieved. As a result, the extra prints or reprints are equal in quality to the primary or original prints.

Tokuda (US 4806986) discloses producing a reprint by performing arithmetic operations upon the amount of exposure on the basis of a set of image data relating to an original-image film detected by a photograph printing apparatus, another set of image data relative to a printed sheet of photographic paper which carries an image printed from the original-image film, and another set of desired correction data relative to the corrections of the color characteristics of the image carried on the printed sheet; and performing exposure control on the basis of the results of the arithmetic operations so that desired corrections are made with respect to the finish of the printed sheet of photographic paper to thereby obtain a reprint of a finish having desired color characteristics.

Matsumoto et al (US 4827109) recognized that when making extra prints from a negative, it is difficult to set the same printing conditions as those set for the previous printing of the negative. They provide a printing system in which printing conditions can be automatically set in a printer-processor by using a non-contact type IC card whereby extra prints can be made under the same printing conditions at any time.

The Enomoto and Shiota references disclose similar re-print systems as Kinjo et al and Yamazaki, but without similar details of the search and display features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 703-305-4726. The examiner can normally be reached on Monday-Thursday 6:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 305-4863.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-0377. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03 May 2004

Scott Rogers

SCOTT ROGERS
PRIMARY EXAMINER